

Amendment No. 2 to SB1893

Johnson
Signature of Sponsor

AMEND Senate Bill No. 1893

House Bill No. 1730*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-1304(a), is amended by deleting subdivisions (4) and (5) in their entirety and by adding the following language as a new, appropriately designated subdivision:

() State board of cosmetology and barber examiners;

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by deleting subdivisions (3) and (6) in their entirety.

SECTION 3. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding the following language as a new, appropriately designated subdivision:

() State board of cosmetology and barber examiners, created by §§ 62-4-103 and 62-3-101;

SECTION 4. Tennessee Code Annotated, Section 62-4-103, is amended by deleting the section in its entirety and by substituting instead the following:

62-4-103.

(a) The practices of cosmetology and barbering shall be under the supervision of a board known as the state board of cosmetology and barber examiners.

(b)

(1) The board shall consist of fourteen (14) members, to be appointed by the governor.

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(2) The membership of the board shall include the following persons:

- (A) Three (3) cosmetologists;
- (B) Two (2) master barbers;
- (C) One (1) manicurist;
- (D) One (1) aesthetician;
- (E) One (1) natural hair stylist;
- (F) One (1) cosmetology or barber instructor;
- (G) One (1) cosmetology or barber shop owner;
- (H) One (1) member shall be an owner of a cosmetology school licensed by the board;
- (I) One (1) member shall be an owner of a barber school licensed by the board;
- (J) One (1) public member, who shall be a person who holds a baccalaureate degree with a major in education who is not engaged in the occupation of cosmetology or barbering; and
- (K) One (1) public member who shall be a person at least twenty-one (21) years of age, who is not required to meet the educational degree requirements as the public

member listed in subdivision (J), and who is not engaged in the occupation of cosmetology or barbering.

(3) One (1) of the members appointed in accordance with subdivisions (2)(F) and (G) shall represent the cosmetology profession and one shall represent the barber profession, however at no time shall both members represent the same profession.

(4) Each of the members described in subdivisions (b)(2)(A)-(I) shall be licensed in their respective trade in this state for at least five (5) years immediately preceding their date of appointment.

(5) No cosmetologist member or master barber member shall, while serving on the board, be an instructor, owner or manager of a school of cosmetology, barber school or college of barbering, an employee in such a school, or in any manner connected with such a school.

(6)

(A) The public member listed in subdivision (b)(2)(J) shall participate in all activities of the board except the inspection of schools of cosmetology, barber schools, and colleges of barbering.

(B) The public member listed in subdivision (b)(2)(K) shall participate in all activities of the board except the composition of examinations, administration of practical portions of examinations, and inspection of schools of cosmetology, barber schools, and colleges of barbering.

(7) The owners of schools licensed by the board or the instructors licensed by the board shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools of cosmetology, barber schools or colleges of barbering.

(c) No more than five (5) members shall be appointed from the same grand division.

SECTION 5. Tennessee Code Annotated, Section 62-4-104, is amended by deleting the section in its entirety and by substituting instead the following:

62-4-104.

(a) Except as provided in subsection (b), the terms of the members of the board shall be four (4) years.

(b)

(1) The entire membership of the board as comprised on June 30, 2014, shall be vacated on July 1, 2014, and new members shall be appointed in accordance with § 62-4-103.

(2) In order to stagger the terms of the newly appointed board members, the governor shall make initial appointments as follows:

(A) Three (3) persons shall be appointed for terms of one (1) year, which shall expire on June 30, 2015;

(B) Three (3) persons shall be appointed for terms of two (2) years, which shall expire on June 30, 2016;

(C) Four (4) persons shall be appointed for terms of three (3) years, which shall expire on June 30, 2017;

and

(D) Four (4) persons shall be appointed for terms of four (4) years, which shall expire on June 30, 2018.

(3) Of the members initially appointed:

(A) The cosmetology school owner member, the manicurist member and the public member listed in § 62-4-103(b)(2)(K) shall serve terms of one (1) year;

(B) One (1) cosmetologist member, one (1) master barber member and the barber school owner member shall serve terms of two (2) years;

(C) One (1) cosmetologist member, one (1) master barber member, the cosmetology or barber shop owner member, and the aesthetician member shall serve terms of three (3) years; and

(D) The cosmetology or barber instructor member, the natural hair stylist member, one (1) cosmetologist member, and the public member listed in § 62-4-103(b)(2)(J) shall serve terms of four (4) years.

(c)

(1) Following the expiration of members' initial terms as prescribed in subdivision (b)(2), all four-year terms shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(2) All members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) Members shall be eligible for reappointment to the board following the expiration of their terms but shall serve no more than two (2) consecutive four-year terms.

(4) A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

(d)

(1) The governor may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(2) Any member who is absent from more than two (2) board meetings within a one-year period shall be removed from the board and a new member shall be appointed to fill the remainder of the unexpired term.

(e) Prior to beginning their duties, each member of the board shall take and subscribe to the oath of office provided for state officers.

(f) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(g) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 6. Tennessee Code Annotated, Title 62, Chapter 4, is amended by deleting the language "state board of cosmetology" wherever it appears and by substituting instead the language "state board of cosmetology and barber examiners".

SECTION 7. Tennessee Code Annotated, 62-3-101, is amended by deleting the section in its entirety and by substituting instead the following:

62-3-101.

(a) The practice of barbering shall be governed by the state board of cosmetology and barber examiners, created by § 62-4-103 and this chapter.

(b) Inspections of barber shops shall be performed by inspectors provided and supervised by the director of the state board of cosmetology and barber examiners. Annual inspections of barber schools and colleges may be performed by the inspectors or members of the board.

SECTION 8. Tennessee Code Annotated, Section 62-4-107, is amended by deleting subsection (b) and substituting instead the following:

(b) The board shall publish a compilation of its rules in pamphlet form and distribute the pamphlet to all persons licensed under title 62, chapters 3 and 4. Amendments and changes in the rules shall also be published by the board and distributed to such persons.

SECTION 9. Tennessee Code Annotated, Section 62-4-117(b), is amended by deleting the language "licenses" and substituting instead the language "licenses issued in accordance with this chapter".

SECTION 10. Tennessee Code Annotated, Section 62-4-117, is further amended in subsections (c) and (d) by deleting the language "license" and substituting instead the language "license issued in accordance with this chapter".

SECTION 11. Tennessee Code Annotated, Section 62-4-129, is amended by deleting subsection (b) and substituting instead the following:

(b) In addition to the powers and duties otherwise conferred upon the board, it is empowered to petition any circuit or chancery court having jurisdiction

of any person in this state who is violating title 62, chapters 3 and 4, either with or without a license under chapters 3 and 4, to enjoin that person from continuing to violate these chapters. Jurisdiction is conferred upon the circuit and chancery courts of this state to hear and determine such causes.

SECTION 12. Tennessee Code Annotated, Title 62, Chapter 3, is amended by deleting Sections 62-3-102, 62-3-104 and 62-3-131 in their entirety.

SECTION 13. Tennessee Code Annotated, Title 62, Chapter 3, is further amended by deleting the language "board of barber examiners" wherever it appears and by substituting instead the language "state board of cosmetology and barber examiners".

SECTION 14. Notwithstanding § 4-29-112 or any other law to the contrary, the board of cosmetology and the board of barber examiners shall terminate and shall cease to exist upon the effective date of this act, simultaneous with the establishment of the state board of cosmetology and barber examiners, created by §§ 62-4-103 and 62-3-101.

SECTION 15. It is the intent of the general assembly that the rules of the board of cosmetology and the rules of the board of barber examiners shall be deemed to be the rules of the state board of cosmetology and barber examiners created by this act, and to the extent that such rules conflict the board shall promulgate new rules to make the application thereof applicable to the respective professions.

SECTION 16. All records and reports of the respective boards in existence prior to July 1, 2014 shall be transferred to the state board of cosmetology and barber examiners.

SECTION 17. This act shall take effect July 1, 2014, the public welfare requiring it.